REMARKS

Claims 1, 3, 7, 8, 10-16, 19, 20, 22-25, 27-29, 31 and 32 were pending prior to this amendment. Claims 1, 3, 7, 8, 10-16, 19, 20, 22-25, 27-29, 31 and 32 stand rejected. Claims 1, 3, 7, 8, 10-16, 19, 20, 22-24, 29, 31 and 32 have been amended. New claim 36 has been added. At least in light of the above amendments and the foregoing remarks, reconsideration and allowance of the claims is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 7, 13-15, 19, 25, 27-29, 31 and 32 have been rejected under 35 U.S.C. § 103(a) on the basis as being unpatentable over U.S. Patent Application Publication No. 2001/0032263 (Gopal, et al.) in view of U.S. Patent Application Publication No. 2001/0044840 (Carleton) and further in view of U.S. Patent No. 6,289,333 (Jawahar, et al.).

Claim 1 has been amended. Applicant claims an apparatus to monitor the packetized workflow procurement process communications to detect whether any exceptions are disrupting consummation of business transactions represented by the packetized workflow procurement process communications. *See* paragraphs 28-30 and paragraph 48, third sentence. When the exceptions are detected for the associated workflow procurement process, the apparatus accesses a database listing agents and indicating business information corresponding to the agents. *See* paragraphs 39-40. Using this database, the apparatus generates a ranked listing of the agents for intelligently distributing the generated notification. *See* paragraph 49. None of the references teach at least the feature of monitoring the packetized workflow procurement process communications to determine whether final receipts are sent between the transactional parties to indicate consummation of the purchasing transactions, and when the purchasing transactions are not consummated, identify one or more exceptions responsible for disrupting consummation of the purchasing transactions.

Gopal discloses route point processors 208 and 210 that address problems with messages being lost or dropped during transmission across the Internet. *See* abstract and FIG. 2. Namely, the route point processors 208 and 210 use duplication, archival and retransmission techniques to ensure that messages are not lost between source connector 202 and destination connector 206. The NOC 112 monitors "the physical status of the communication backbone" including processors 208 and 210. *See* paragraph 21, third sentence. An alert message is transmitted to a

network manager or repair technician when the monitoring indicates that one of the network devices is malfunctioning. *See* paragraph 21, fourth, fifth and sixth sentences. Accordingly, Gopal does not disclose at least the element of monitoring the packetized workflow procurement process communications to determine whether final receipts are sent between the transactional parties to indicate consummation of the purchasing transactions, and when the purchasing transactions are not consummated, identify one or more exceptions responsible for disrupting consummation of the purchasing transactions.

Carleton discloses a client server 22 that collects statistics about operability of ports and devices located on the network. *See* FIG. 1, paragraph 49 and claim 1. When ports or devices fail, persons are notified. Accordingly, Carleton does not disclose at least the element of monitoring the packetized workflow procurement process communications to determine whether final receipts are sent between the transactional parties to indicate consummation of the purchasing transactions, and when the purchasing transactions are not consummated, identify one or more exceptions responsible for disrupting consummation of the purchasing transactions.

Even if Gopal and Carleton did teach the features of claim 1 (which they do not), at least portions of Gopal and Carleton are not prior art because the present application was filed on November 30, 2000; before the filing dates of both Gopal and Carleton. Only those portions of Gopal and Carleton that are supported by their respective provisional applications are capable of being prior art. *See* MPEP 2136.02, paragraph III. Due to the apparent difference in scope between Gopal and Carleton and their respective provisions (for example Carleton discloses twenty six (26) figures while the provisional application supporting Carleton only discloses three (3) figures), it would be helpful towards crystallizing any remaining issues if any future Office Actions relying on these references cite to both the references and their respective provisional applications.

In contrast to Gopal and Carleton, claim 1 includes the feature of a processor to monitor the packetized workflow procurement process communications to determine whether final receipts are sent between the transactional parties to indicate consummation of the purchasing transactions, and when the purchasing transactions are not consummated, identify one or more exceptions responsible for disrupting consummation of the purchasing transactions. Other features of claim 1 are also not disclosed in Gopal and Carleton. Thus, claim 1 should be allowed. Claims 7 and 13-14 are dependent and should also be allowed.

Claim 15 should be allowed for at least similar reasons as claim 1. Namely, neither Gopal nor Carelton teach at least the feature of detecting one or more exceptions that disrupt the purchasing transactions by analyzing the packetized workflow procurement process communications during forwarding of the packetized workflow procurement process communications. For this and other reasons, claim 15 should be allowed. Claim 19 is dependent and should also be allowed.

No amendments have been made to claim 25. As explained with respective to claim 1, both Gopal and Carleton were both filed *after* the present application and features of these applications are unsupported by their respective provisional applications. Applicant contends that portions of Gopal relied upon in the Office Action rejecting claim 25 (at least paragraph 21, fourth, fifth and sixth sentences) are unsupported by the respective provisional application and therefore are not prior art.

Even if all the portions of Gopal and Carleton that are relied upon by the Office Action were taught in their respective provisional applications (which Applicant contends they are not), neither reference teaches at least the feature of monitoring an internet gateway for business-to-business transaction having *characteristics that are out of pre-determined boundaries.* Both Gopal and Carleton teach network management devices that monitor other network devices including a "physical communication backbone" or "ports on a network device" and then contact a repair technician. *See* Gopal paragraph 21, fourth, fifth and sixth sentences and Carleton FIG. 1, paragraph 49 and claim 1. Monitoring for exceptions in a network device is not monitoring an internet gateway for business-to-business transaction having *characteristics that are out of pre-determined boundaries.*

In contrast, claim 25 includes the feature of monitoring an internet gateway for business-to-business transaction having *characteristics that are out of pre-determined boundaries.* Thus, claim 25 should be allowed. Claims 27 and 28 are dependent and should also be allowed. Claim 29 has been amended and should be allowed for at least similar reasons as claim 1. Claims 31 and 32 are dependent and should also be allowed.

Claims 3 and 16 have been rejected under 35 U.S.C. § 103(a) on the basis of being unpatentable over Gopal, et al. in view of Carleton and further in view of Jawahar, et al., as

applied to claim 1, and further in view of U.S. Patent Application Publication No. 2004/0049562 (Kikinis).

Claims 3 and 16 are dependent and should be allowed for at least the same reasons as their respective base claims.

Claims 8 and 20 have been rejected under 35 U.S.C. § 103(a) on the basis as being unpatentable over Gopal, et al. in view of Carleton and further in view of Jawahar, et al., as applied to claim 1, and further in view of U.S. Patent Application Publication No. 2002/0194272 (Zhu, et al.).

Claims 8 and 20 are dependent and should be allowed for at least the same reasons as their respective base claims.

Claims 10-12 and 22-24 have been rejected under 35 U.S.C. § 103(a) on the basis of being unpatentable over Gopal, et al. in view of Carleton and further in view of Jawahar, et al., as applied to claims 1 and 22, and further in view of U.S. Patent Application Publication No. 2002/0049622 (Lettich, et al.).

Claims 10-12 and 22-24 are dependent and should be allowed for at least the same reasons as their respective base claims. At least portions of Lettich are not prior art for the same reasons as was previously explained with respect to Gopal and Carleton.

Support for Claim Amendments

With respect to claim 1, at least FIG. 3 supports the feature of forwarding the packetized workflow procurement process communications; at least paragraphs 28-30 and 48 and FIG. 11 block 1102 support the feature of monitoring the packetized workflow procurement process communications to determine whether final receipts are sent between the transactional parties to indicate consummation of the purchasing transactions; at least paragraphs 30, 35, 39-40 and 48 support the features of accessing the database, generating the ranked listing and sending the generated notification according to the ranked listing.

With respect to dependent claims 3, 7, 8, 10-14 and new dependent claim 36: support for the amendments to claim 3 can be found in at least paragraphs 29 and 48; support for the amendments to claim 7 can be found in at least the last two sentences of paragraph 40; support

for the amendment to claim 8 can be found in at least paragraph 27; support for the amendment to claim 10 can be found in at least paragraphs 50 and 51; support for the amendments to claim 11 can be found in at least paragraph 50; support for the amendments to claim 12 can be found in at least paragraph 36.; support for the amendments to claim 13 can be found in at least paragraph 49; support for the amendments to claim 14 can be found in at least paragraph 40; and support for the new claim 36 can be found in at least paragraphs 30, 35, 39-40 and 48.
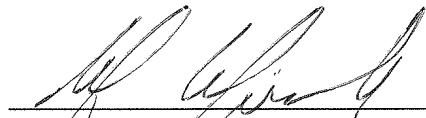
Support for the amendments to the remaining claims can be found in similar locations as described with respect to claims 1, 3, 7, 8 and 10-14. For example, with respect to claim 29, at least FIG. 3 supports the means for monitoring the packetized workflow procurement process communications, at least paragraph 26 supports the means for accessing the network database storing the business data, at least paragraph 39 support skill-based routing (also see paragraphs at least 25, 38, 40, 58 and 49), at least paragraph 40 supports routing based on scheduling, at least paragraph 39 supports routing based on IVR load, and at least paragraphs 25, 38, 40, 58 and 49 support means for selecting the appropriate person.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at 503-222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

Michael A. Cofield
Reg. No. 54,630

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575